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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,611	12/31/2003	Luigi Fanti	P00830-US-01 (13030.0008)	8527
22446	7590	03/08/2006	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			SCHATZ, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			1733	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,611

Applicant(s)

FANTI, LUIGI

Examiner

Christopher T. Schatz

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-7,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-11 are objected to because of the following informalities: claim 1 contains the language “application of at least one portion of a joining film to said lower surface.” Examiner recommends applicant change the wording to “application of at least one portion of a joining film to the lower surface.” Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurin ‘581 (newly cited) in view of Fanti ’682.

Maurin discloses a method of manufacturing a floor tile (figure 1, column 1, line 6), the method comprising the steps of assembling components together to form at least a portion of a floor tile of the desired shape and design components (column 3, lines 5-12),

Art Unit: 1733

securing said components together relative to one another by the application of at least one portion of a joining film 7 to the lower surface of the assembled said components so that said joining film spans at least the neighboring edges of adjacent said components (figure 1, 2, column 3, lines , column 2, lines 52-62). While the reference discloses several different materials can be used for the components, the reference is silent as to a method of cutting a plurality of discrete plastic components each said component comprising a wear layer having an upper surface and at least one backing layer having a lower surface.

Fanti et al. discloses a method of manufacturing a plastic floor tile comprising cutting a plurality of discrete plastic components, each said component comprising a wear layer 14 having an upper surface and at least one backing layer 15 having a lower surface, from one or more sheets of a plastics material, and assembling said components together to form at least a portion of a floor tile of the desired shape and design components (column 1, line 62 – column 2, line 25). Using plastic components having a wear layer and a backing layer cut from a plurality of discrete plastic components is that doing so allows achievement of a random wood grain effect (Column 1, lines 21-36, column 2, line 52 – column 3, line 8). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to cut a plurality of plastic components wherein each said component comprises a wear layer and backing layer and assembly said components together as taught by Fanti et al. above to achieve a random wood grain effect in the process of making a floor tile as set forth above by Maurin.

As to claim 2, the Maurin discloses a method of coating the joining film 7 with a thermally liable polymeric coupling agent 6. As to claim 11, Fanti discloses a method

Art Unit: 1733

further comprising the step of chamfering abutting edges of said upper surface of said components (column 1, lines 47-54).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maurin and Fanti as applied above, and in further view of Kauffman et al. (newly cited).

Maurin and Fanti disclose a method as stated above, but the references are silent as to a method wherein the joining film is porous. Kauffman et al. discloses a method of manufacturing a flooring material wherein a support layer 10 is formed of a porous material (figure 5A). The advantage of using a porous layer is that said layer retains stresses built into the wear layer (column 5, lines 11-16). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the method of Maurin and Fanti such that a perforated joining film is used as taught by Kauffman et al. above.

Allowable Subject Matter

5. Claims 3-7, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Maurin discloses a method of applying heat and pressure to activate a thermally labile polymeric coupling agent. While the temperature disclosed by the reference is within applicant's claimed range, the heating process occurs for 18 minutes, well above applicants claimed time. Examiner asserts that no teaching in the prior art would motivate one of ordinary skill in the art to modify the method of Maurin such that the polymeric coupling agent can be activated in 7-15 seconds.

Art Unit: 1733

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher T. Schatz** whose telephone number is **571-272-1456**. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Handwritten signature of Christopher T. Schatz, with the initials "CTS" written below the signature.



Handwritten signature of Richard Crispino.

RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700